

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

IN RE: § CASE NO. 12-50249 K  
JAMES EDWARD MONTOYA AND §  
BONNIE SILVA MONTOYA §  
DEBTORS § CHAPTER 13

**AMENDED MOTION TO MODIFY CHAPTER 13 PLAN**  
**AND FIRST REQUEST FOR ATTORNEY'S FEES**

**THIS PLEADING REQUESTS RELIEF THAT MAY BE ADVERSE TO  
YOUR INTERESTS.**

**IF NO TIMELY RESPONSE IS FILED WITHIN TWENTY-ONE (21)  
DAYS FROM THE DATE OF SERVICE, THE RELIEF REQUESTED  
HEREIN MAY BE GRANTED WITHOUT A HEARING BEING HELD.**

**A TIMELY FILED RESPONSE IS NECESSARY FOR A HEARING TO BE  
HELD.**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Debtors, and files this *Amended Motion to Modify Chapter 13 Plan and First Request for Attorney's Fees*, and as grounds therefore would show as follows:

I.

Debtors filed a Voluntary Petition for Relief under 11 U.S.C. Chapter 13 on January 27, 2012.

II.

The I.R.S. has filed a proof of claim in the amount of \$742.21 as a secured amount, \$9,595.90 as a priority amount, and \$13,357.65 as an unsecured amount. Debtors propose to pay the secured amount at 3% interest, and no interest on the priority and unsecured amounts. Debtors' plan payment needs to be increased to \$1,719.00 per month to pay out at 100%.

III.

Debtors respectfully request a modification of their Chapter 13 Plan to include the I.R.S. claim.

IV.

This is the first request for post-confirmation supplemental fees in this case. Attorney fees in the amount of \$400.00 for services rendered in preparing this *Motion to Modify Chapter 13 Plan and First Request for Attorney's Fees* should be paid to L. David Levinson, 12451 Starcrest Drive, Suite 205, San Antonio, Texas 78216. This amount should be incorporated into the Chapter 13 Plan in this matter and paid from the monthly plan payments through the Chapter 13 Trustee.

V.

The relief requested by the Debtors will not do an undue hardship on any creditor and will be in the best interest of Debtors.

WHEREFORE, Debtors pray that Debtors Chapter 13 Plan be modified to include the I.R.S. claim and be included into the Plan and that post-confirmation supplemental attorney fees of \$400.00 should be paid to Debtors' attorney, and for such other and further relief in law and equity as is just.

Respectfully submitted,

/s/ L. David Levinson

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L. DAVID LEVINSON  
State Bar No. 12258400  
12451 Starcrest Drive, Suite 205  
San Antonio, TX 78216  
(210) 829-5033  
(210) 820-3104 FAX

ATTORNEY FOR DEBTORS

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing *Amended Motion to Modify Chapter 13 Plan and First Request for Attorneys Fees* has been served according to law on this the 13<sup>th</sup> day of September, 2012, to the following parties:

Mary K. Viegelahn, Trustee  
909 N.E. Loop 410, Suite 400  
San Antonio, TX 78209

Irving, TX 75038

Ace Cash Express  
1231 Greenway Drive  
Suite 700

Ace Cash Express  
9910 San Pedro Ave.  
San Antonio, TX 78216

American Express

American Express Special Research  
PO Box 981540  
El Paso, TX 79998

American Express  
P.O. Box 26312  
Lehigh Valley, PA 18002-6312

Americredit  
Po Box 181145  
Arlington, TX 76096

Americredit Financial Services, dba GM F  
P.O. Box 183853  
Arlington, TX 76096

Attorney General of the U.S.  
Main Justice Bldg, Rm 5111  
10th & Constitution Ave., N.W.  
Washington, DC 20530

BAC Home Loans Servicing, LP  
ATTN: Home Retention Division  
4500 Amon Carter Blvd.  
Fort Worth, TX 76155

Bank of America  
P.O. Box 25118  
Tampa, FL 33622-5118

Bank Of America, N.a.  
450 American St  
Simi Valley, CA 93065

Baptist Health System  
P.O. Box 830913  
Birmingham, AL 35283-0913

Barrett Burke Wilson Castle  
15000 Surveyor Blvd.  
Suite 100  
Addison, TX 75001

Bus & Prof Svc  
621 N Alamo St  
San Antonio, TX 78215

Cach Llc/Square Two Financial

4340 South Monaco St. 2nd Floor  
Denver, CO 80237

Chase  
Po Box 15298  
Wilmington, DE 19850

Chela/Sallie Mae  
Attn: Claims Department  
PO Box 9500  
Wilkes-Barre, PA 18773

Cottonwood Financial Ltd.  
C/O Bennett Law  
10542 South Jordan Gateway  
Suite 200  
South Jordan, UT 84095

Crd Prt Asso  
Attn: Bankruptcy  
PO Box 802068  
Dallas, TX 75380

Credit Systems Intl In  
1277 Country Club Ln  
Fort Worth, TX 76112

Equable Ascent Financial LLC  
C/O Rausch, Sturm, Isreal, Emerson  
15851 North Dallas Parkway  
Suite 245  
Addison, TX 75001

Financial Control Svc  
6801 Sanger Ave Ste 195  
Waco, TX 76710

First Premier Bank  
3820 N Louise Ave  
Sioux Falls, SD 57107

First Premier Bank  
P.O. Box 5519  
Sioux Falls, SD 57117-5519

First Premier Bank  
P.O. Box 5529  
Sioux Falls, SD 57117-5529

Hilco Receivables/Equable Ascent Financi  
Attn: Bankruptcy  
1120 Lake Cook Road Suite B  
Buffalo Grove, IL 60089

I C System  
Attn: Bankruptcy  
PO Box 64378  
Saint Paul, MN 55164

I.R.S.  
P.O. Box 21126  
Philadelphia, PA 19114-0326

IPC of Texas  
P.O. Box 92729  
Los Angeles, CA 90009

Linebarger Goggan Blair & Sampson  
711 Navarro  
Suite 300  
San Antonio, TX 78205

NCO/Collectron Of Atlanta/Carter-Young  
Attention: Bankruptcy  
PO Box 82269  
Conyers, GA 30013

Northeast Baptist Hospital  
P.O. Box 843810  
Dallas, TX 75284-3810

Northstar Location Services  
4285 Genesee Street  
Cheektowaga, NY 14225-1943

Pinnacle Financial Gro  
7825 Washington Ave S St  
Minneapolis, MN 55439

Tnb-Visa (TV) / Target  
C/O Financial & Retail Services  
Mailstop BV P.O.Box 9475  
Minneapolis, MN 55440

Transworld Systems Inc.  
9525 Sweet Valley Drive  
Valley View, OH 44125

Transworld Systems Inc.  
P.O. Box 15520  
Wilmington, DE 19850-5520

U.S. Attorney  
601 N.W. Loop 410, #600  
San Antonio, TX 78216

U.S. Trustee  
615 E. Houston, #533  
P.O. Box 1539  
San Antonio, TX 78295-1539

Unvl/citi  
Attn.: Centralized Bankruptcy  
PO Box 20507  
Kansas City, MO 64195

Usaa Savings Bank  
Po Box 33009  
San Antonio, TX 78265

Val Verde Regional Medical  
C/O Doran, Gulley & Etzel  
307 E. 10th Street  
P.O. Box 420248  
Del Rio, TX 78842-0248

Wfs Financial/Wachovia Dealer Services  
PO Box 3569  
Rancho Cucamonga, CA 91730

/s/ L. David Levinson

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L. David Levinson